A Reconciling LETTER, upon the late Differences about *Convocational* Rights and Proceedings, as manag'd by thoſe who have maintain'd the Liberties of the *Lower Clergy*.

SIR,

THE Call of a new Parliament, which of Courſe brings with it a new Convocation, has put us to ſome Trouble in this Dioceſe about electing of Proctors. Time was, when our ordinary Brethren declin'd the Honour, becauſe they were afraid of the Expence of it. We were then glad to devolve the Office upon two of the richer Clergy, who keeping reſident Curates, might be the better ſpar'd from their reſpective Churches; and who having ſome other Call to your Town, made their Attendance at St. *Pauls* or *Weſtminſter* lighter and more convenient to them. But Times or Humours are a little chang'd, and we ſeem *now* to have as much *Canvaſing* (they call it) for Members of Convocation as for thoſe of Parliament: and by degrees, I am afraid we ſhall run into more Corruption than can poſſibly obtain in little Boroughs. For I think the Law of reſtraining Abuſes does not yet extend to our Convocational Elections; nor is it yet any Bribery for a rich ſociable Clergy-Man to make much of his poorer Brethren.

I was conſidering the Reaſons of this Alteration, and I perceive it owing to ſome learned Diſcoveries of Dr. *A.* and one or two more; that though we have *ſlept over our Privileges* for near forty Years, yet 'tis now time to awake and retrieve them. For 'tis plain, that the Lower Clergy ought to be always called to Parliament; that ſuch Parliamentary Writs are ſent to every Biſhop of a Dioceſe in effect as they are to every Sheriff in a County; at leaſt, that the principal Writ to each Biſhop as a Spiritual Baron has a concomitant Clauſe in it call'd *Præmunientes*, by which the Biſhop is to ſummon Dean, Archdeacons, one Cathedral, and two Dioceſan Proctors, to appear in Parliament. And though the Clergy are immediately ſummon'd to Convocation by a Provincial Writ to a Provincial Aſſembly, under the Head of the Province the Archbiſhop; yet *this* is but to purſue and to corroborate their Call to a National Parliament: So that when they come together, they are a Parliamentary Body, and an Eſſential Part of the Conſtitution. And the Lower Clergy make the Houſe of Spiritual Commons *immediately* ſummon'd by the King, to be under a Prolocutor of their own Choice, who next to the King is Head and *Preſident* of the Lower Houſe, as the Archbiſhop is of the Upper: Or in ſome Reſpects greater than the Archbiſhop, who is but *Chief Member*, and cannot be properly called a *Preſident*. Hence the two Houſes of Biſhops and Presbyters being co-ordinate from their Parliamentary Relation, the Lower Clergy have all the *Rights* belonging to the *Notion of a Houſe*, and cannot be denied any Power, the want of which would deſtroy the *Nature of a Houſe*, and defeat the *Ends* of it. That this Lower Houſe have the Command of their own Members, can require their Attendance, can puniſh their Abſence, can determine their dubious Elections, and oblige them to all Rules and Orders, under the Pains of incurring the Diſpleaſure of the Houſe, and being cenſured by the Votes of the Majority. So likewiſe in Communication with their Lordſhips, this *Lower* Houſe has a Right of diſagreeing to the Propoſals of that *other* Houſe: can ſend any of their Members without the Prolocutor to carry Meſſages and to offer Debates to them: can anſwer their Lordſhips in Writing, or can refuſe ſo to anſwer: can demand a free Conference with them: can deny to meet their Lordſhips in a Committee: can poſtpone or even reject the Archbiſhop's Schedule of Prorogation: can challenge the Right of Sitting and Riſing at Diſcretion: can independently adjourn themſelves: can meet upon intermediate Days without any concurrent Seſſion of their Lordſhips: can chuſe a Clerk or Actuary of their own: ought to have the Cuſtody of their own old Journals: can deny their Lordſhips the Sight of their preſent Minutes: can of Right claim the Inſpection of their Lordſhips Acts: can cenſure any ſuſpected Books or Writings: can prefer ſpecial Articles againſt any one Biſhop; and can give a *Canonical Redreſs* to any *other*, who has been aggriev'd by the Metropolitan: In a Word, can now exerciſe all the Rights, Privileges, and Powers that can poſſibly make the Clergy (as diſtinct from the Biſhops) great and conſiderable in this Church and Nation.

We of the ſame Order (call'd *Inferiour* to Epiſcopacy) cannot but admire thoſe learned Perſons who have begun to recover thoſe Rights, which others have been ſo long ſleeping over. And above all, we cannot but applaud the prime *Patron of a Synodal Church*, Dr. *Atterbury*, who began the Controverſy in our Defence, and has declar'd He will never drop it. We cannot but farther commend All thoſe zealous Brethren of Ours, who in the late Convocation ſtrugled for theſe loſt Liberties with a great deal of Courage and Reſolution, when, as the Author of *the Power of the Lower Houſe* obſerves, it was *manifeſt to the World, what a Degree of Servitude my Lords the Biſhops endeavour'd to impoſe upon the Clergy*. (p. 2. c. 1.) We are many of us here inclin'd to hope, that they may be able and willing to begin the new Synod, where the old One broke off. And ſo to proſecute the good Cauſe of Us Presbyters, till We the Spiritual Commonalty are a proper *Balance* at leaſt to my Lords the Biſhops.

There is but One thing that ſhocks a few tender Men, and that is, Some of our own Brethren have ſided with the Biſhops againſt Us. And theſe pretend, that the Convocation in purſuance of the King's Writ, is conven'd by the Archbiſhop's Mandate; which Mandate is executed by the Dean of the Province; who tranſmits it to all the Comprovincial Biſhops; and They by Canonical Obedience cite the ſtanding Members, and enjoin the electing of Proctors; and then make their *Returns* for each Dioceſe (as the Dean does his Certificatory for the whole Province,) to the Archbiſhop Only: before whom the Convocation is held. That his Grace therefore is Preſident of the whole Body. That All the Members are accountable to Him only for their Appearance. That He refers the puniſhment of their Contumacy to Himſelf Alone. That He Alone can give leave for the Abſence of Any of 'em. That He can preſcribe the proper Rules and Directions for a Communication between the two Houſes. That He Continues and Prorogues the whole Convocation of the Prelates and Clergy of his Province, by a Schedule read and ſign'd in the Upper Houſe, and then ſent down to the Lower, to be intimated or made known to the Clergy, who are All included in it. That the Lower Houſe have indeed a Negative in All Synodical Acts or Decrees (which yet cannot be without the King's Licenſe,) but in all other preparatory Methods, They are under the Conduct of the Archbiſhop, who acts with the conſent of his Suffragans. So that without the Metropolitan's Authority, and a concurrence of the Comprovincial Biſhops, the Lower Clergy can do Nothing that is ſignificant in an Engliſh Synod. Several Writers that would ſeem to be acquainted with the Hiſtory and Laws of this Church and Kingdom, have fell into this Way. And a certain Number of Members in the Lower Houſe of this laſt Convocation, who were repreſented by their Friends as Wiſe and Good Men, did eſpouſe the ſame Epiſcopal Cauſe, and did all along oppoſe the *Majority* of their Brethren.

Theſe Few Men, and ſome Others of like Opinion, have objected hard things againſt the Writers on our Side. They ſay, Dr. *Atterbury* and Mr. *Hill*, who join in the ſame Cauſe or Defence of Convocations, are as wide in their Principles as *Eaſt* and *Weſt*, never to be reconcil'd. They ſay, that Dr. *Atterbury* made two Editions of the ſame Book, directly contradicting One Another in many material Points. That in both Editions He kept to the one Deſign of leſſening the King's Prerogative in Convocational Affairs. And yet, that He is ſince engag'd in a meer oppoſite Argument, of advancing the Royal Prerogative much beyond the Act of the Clergy's Submiſſion; and much beyond the Claims of any former Reign: by making the Synod purely *ſubſiſt* by the King's Writ; by rendring the Archbiſhop an *Inſtrument* only of the King, and wholly *Miniſterial* to Him. For, they preſume Dr. *A.* to be the Author of the three Sheets, Entitled, *The Power of the Lower Houſe of Convocation to Adjourn it Self*, &c. wherein they pretend, He has brought the Church to a kind of abſolute Subjection to the State; has releas'd the Presbyters from all Canonical Obedience to the Archbiſhop and Biſhops; has ſet up for a Power in the Lower Houſe, which was never before imagin'd; and cannot be now exercis'd without deſtroying the Conſtitution of an Epiſcopal Church. That He has attempted to prove *this* by Reaſons, which *They* call meer Fallacies; and by Facts, which *They* aſſert to be perfect Falſhoods. That He has ſet off the Notion with ſuch Turns and Reflexions as *They* complain of, to be Anger and Bitterneſs of Spirit. And eſpecially, that He has took occaſion to be unjuſt to Dr. *K.* in charging Him with the want of Sincerity about omitting a Clauſe in the Archi-epiſcopal Mandates; when yet Another, who has reply'd in *The Right of the Archbiſhop to Continue or Prorogue the whole Convocation*, &c. does juſtifie the Care and Integrity of Dr. *K.* and throws back the Charge of Falſhood upon Him that made it: And *This* under the Atteſtation of a Publick Notary, to make the Fact more Apparent, and the Conviction more undeniable. They ſay farther, that ſome Principal Members of the Lower Houſe, who agreed in the late Meaſures of oppoſing the Archbiſhop and Biſhops; have ſince differ'd much in their Principles, and have ſomewhat cool'd in their Affections to One Another. So, as were They now to Proceed in the Ways wherein They firſt ſet out, They could hardly hold together.

But, it is not worth concerning Our ſelves in Perſonal Piques and Quarrels. The only Objection on our Side that I deſire to Anſwer, becauſe it is often caſt at Me, is *Our Writers diſagreeing in Defence of the ſame Cauſe*. For thoſe who diſſented from Us do often object, That our ſeveral Writers have took each a contrary Hypotheſis to maintain the *Rights of the Lower Clergy*; by which they ſo much interfere in their Notions and Arguments, that they perfectly confound the Power they are contending for. This now is an Objection, that Every One who reads the Books can underſtand; and 'tis indeed an unhappy Objection. For, while We are putting in the ſame Common Claim, We ſhould form our Right upon the ſame Bottom; or elſe it will make People ſuſpect, that We have no Right at all. To clear up this Objection, and reconcile the ſeeming Differences among our own Writers, I have laid before Me the chief Tracts, *The Rights, Powers, and Privileges of an Engliſh Convocation*, 2d Edit. Octav. *The Power of the Lower Houſe to Adjourn it ſelf*, in three Sheets. And the *Narrative of the Proceedings of the Lower Houſe of Convocation*, Quarto, with the *Notes* in the Margin, and the *Preface* of the *Publiſher*. And I muſt confeſs upon collating of them, I do find ſome Matters of *Opinion* and ſome of *Fact* ſo variouſly ſtated, that I muſt beg the benefit of your Judgment, how to extricate my ſelf out of ſome Doubts and Difficulties; which to Reject, and which to Believe.

I. As to the *Conſtitution of All Primitive Synods*. Dr. *A.* does expreſly teach, that in the firſt Chriſtian Churches, *the Authoritative Part of all Eccleſiaſtical Meetings was compoſed of the Biſhops and Presbyters: Rights, Powers*, &c. p. 5. And that in our own Nation, I

tional Church from the very Beginning, the Biſhops brought *Presbyters with them, as the Conſtituent Parts of all our Provincial Synods, ib.* p. 9, *&c.* But then the Publiſher of the Narrative advances a Doctrine directly contrary. He ſays, *The Archbiſhop and Biſhops of the Province Alone, being preſum'd to have the conſent of their Presbyters along with them, compos'd the whole Provincial Synod:* So that, *if the Metropolitan and his Brethren adjourn'd the whole Synod, what wonder they adjourn'd only themſelves,* Pref. p. viii. Reſolve me, Sir, in this Original Conſtitution of Provincial Synods, Which Opinion ſhall I adhere to? That of Dr. *A.* that Presbyters came *alway* with the Biſhops to make up the Council? Or, that of the Prefacer, that Biſhops ſate in Council *Alone*, long before they admitted Presbyters to ſit with them?

II. As to the *preſent Conſtitution of an Engliſh Provincial Synod or Convocation*, Dr. *A.* would give it a Civil Capacity, and make it a Parliamentary Body, and an Eſſential Part of our Conſtitution: This is the whole deſign of his *Rights, Powers, &c.* But the Author of *the Power of the Lower Houſe*, is a little more reſerv'd: He grants, there *is no Parity in Conſtitution between Parliament and Convocation in All caſes, but in Some only*, (p. 2. c. 2.) He would have the *correſpondence a little more cloſe and laſting between Biſhops and Clergy than between the two Houſes of the Temporalty*, (p. 19. c. 2.) Yet he makes the *diſtinction of the two Houſes, and their ſeparate Right of Adjournment to come all from their Parliamentary Relation, &c.* and *whatever Rights and Privileges are abſolutely and indiſpenſably neceſſary to the Being of a Houſe (in the Parliamentary ſenſe of the Word) the Lower Houſe of Convocation, muſt have by virtue of their Origin and Alliance*, (*ib.* p. 2. c. 2.) When yet, after both theſe Writers, comes the Editor of the *Narrative* and denies All. He is angry it was ever thought of. He accuſes the Writer of the firſt Letter for a falſe Charge upon them, in objecting, That *the Lower Clergy would not only be conſidered as a Meeting purely Eccleſiaſtical, but would reckon themſelves to ſit under a Civil Capacity alſo. This*, ſays the Editor, *is a very extraordinary degree of Aſſurance, and the firſt Inſtance I have met with of any body ſo hardy as to think, he could impoſe ſo much on the Underſtanding, as to perſuade Men that they aſſent to Propoſitions, which they PROFESTLY DENY, &c.* (Pref. p. xi.) Pray inform me, to which Notion I may ſubſcribe: Whether to the Convocation, being a Parliamentary Body and Part of Parliament, as Dr. *A.* has made it? Or, to the Convocation having a Parliamentary relation, and ſuch an Origin and Alliance, as that the Lower Clergy muſt have all Privileges neceſſary to the Being of a Houſe in the Parliamentary ſenſe of the Word, as *P. L. H?* Or, to the nature of our Convocations being purely Eccleſiaſtical, and nothing more falſe than their Sitting in a Civil Capacity, as the Publiſher of the *Narrative?*

III. As to the *PRÆMUNIENTES Clauſe in the Biſhop's Parliamentary Writs*, Muſt This be now Executed as Beneficial to the Clergy, and even neceſſary to the Conſtitution? Or, ſince the Reaſon of the Clauſe is ceas'd, and the formal Execution of it has been intermitted for many Years, Is it needleſs now to revive it? And will the Provincial Writ of the King with the Archbiſhop's Mandate, be ſufficient to bring the Clergy to a compleat Synod and legal Convocation? I find our Writers divided. Dr. *A.* in the Second Edition of his *Rights, Powers, &c.* is poſitive, That *the Præmunientes in the Biſhop's Writ, is not a dead inſignificant Form, but has had its conſtant effect on the Lower Clergy; who, by virtue of it, have made their Returns All along, and paid their Attendance in Parliament*, (Addend. p. 627.) And He is earneſt with my Lords the Biſhops, *to conſider of how great Moment it is towards preſerving the Conſtitution, and the Rights of their Clergy, to preſerve the regular Execution of their Writs of Summons for the Parliament*, (ib. p. 628.) and is free to tell them, That their *future Omiſſions ſhall not paſs under the ſoft Name of NEGLECTS, but will have ſome harſher Cenſure beſtow'd on them*, (ib. p. 629.) And yet the Author of the *Power of the Lower Houſe* forms no ſuch Argument on the Clergy being *præmoniſh'd to come to Parliament*, which had given the moſt proper Right to thoſe Privileges of a Parliamentary Houſe, which he aſſerts to the Lower Clergy. But He all along argues, That *the Authority by which the Convocation meets, is by the King's PROVINCIAL Writ, upon which the Archbiſhop frames his Mandate*, (p. 3. c. 1.) The *Narrative* likewiſe drops the mention of the *Præmunientes*, and thinks the Cauſe good without it; tho' in their particular Claims, I muſt confeſs, I think *that* one Argument had been worth a hundred. But the Publiſher of that *Narrative*, He is more than Negative in that Matter; He plainly gives it up for uſeleſs and inſignificant: He ſays, *were the Præmunientes Clauſe executed, it would indeed be a means of bringing Us together; but could not alter the nature of the Synod when met, which would then be a Meeting as purely Eccleſiaſtical, as it is at preſent*, (Pref. p. xii.) I would not have our Enemies Report believed, That the Execution of the *Præmunientes* was a meer Plot to ſupport the Lower Clergy in their Exemption from the Synodical Power of the Archbiſhop and Biſhops; and to give the Lower Houſe in Convocation all Parliamentary Privileges by that Call to Parliament. But when they found that Some Biſhops would not as yet execute it, and Others knew not *as yet* how to make their Returns upon it? Now they are content to drop it, or to inſiſt no longer on the Neceſſity and Advantage of it. I would not believe ſuch idle Suggeſtions; and therefore ſhall ſtill ſuſpend my Opinion, whether the *Præmunientes* ought to be executed, as bring-

ing the Clergy to Parliament, and Keeping up their fundamental Rights and Privileges as a Parliamentary Body? Or whether it may continue to be Omitted, becauſe the Execution would anſwer no Effect, but only bring the Clergy more together, and leave them a *purely Eccleſiaſtical Meeting*, if they ſhould be ſo brought together?

IV. As to the *Authority by which our Convocation is now Summon'd*. If the *Præmunientes* were duly executed, No one queſtions but the ſummoning Power is *there* purely Regal, and the Biſhops would be only Miniſterial or Inſtrumental in executing the King's Writ. But ſince the Convocation is now aſſembled, not by the Dioceſan Writs to each Biſhop, but by the Provincial Writ to the Archbiſhop, and then by his Graces Mandate to the Dean of his Province to be executed by all the Suffragan Biſhops. Then it ſeems a Queſtion may ariſe, whether the Authority of convening ſuch a Provincial Aſſembly is purely Royal? Or whether the Archbiſhop by virtue of a Written Licenſe and Command from the King, does not call the Clergy before Himſelf by his own Mandatory Letters, to be executed by his Suffragans upon Canonical Obedience, ſo as to make the Summons not purely Royal ſince the Reformation, but ſtill as formerly Eccleſiaſtical and Synodical? Dr. *Atterbury* did allow our Convocations to be regularly Summon'd by the Archbiſhop's Mandate, when his Grace was at liberty to do it by the King's Writ. And therefore He ſays, *When the Crown began to iſſue out Writs for the Convocation, it was to command the Archbiſhops to Aſſemble the Clergy of their Provinces.* (*Rights, Powers, &c.* p. 494.) And the ſame Royal Writs and Archiepiſcopal Mandates being uſed ſince the Reformation as were before, there can be no Alteration in the Summoning Power. For *ſince the Words of the Writ are the ſame NOW as they were THEN, the meaning of them muſt be the ſame too: For tho the 25. of H. viii. abridg'd the Convocations Privileges in ſeveral reſpects, yet it could not make the Words of their Writ ſignify otherwiſe than they did, when they were FIRST inſerted.* (ib. p. 464.) But the Vindicator of the *Power of the Lower Houſe* is clearly of another Mind. He ſays, Since the Act of Submiſſion, *the Archbiſhop's ſhare in convening his Clergy is no longer Authoritative but Miniſterial.* That *the Authority by which they are aſſembled is now purely Royal.* That the Archbiſhop only *executes the King's Writ:* And there is no Summoning Power in his Grace of *Canterbury* but what is *purely Miniſterial.* He is the *King's Inſtrument only*, and the *proper Officer to execute the Royal Summons*, &c. (Power of *L. H.* p. 3.) Which, I pray Sir, is moſt Probable? That the Archbiſhop has liberty by the King's Writ to iſſue out his own Mandate to call the Clergy of his Province before Himſelf in an Eccleſiaſtical manner, by virtue of his Metropolitical Right and their Canonical Obedience, according to old Cuſtom and the Conſtitution of Provincial Synods, and according as Dr. *A.* once taught Us? Or whether the Proteſtant Archbiſhop is an *Inſtrument only* in the King's Hands, and a *proper Officer* to execute his Royal Writ, as that later Writer does now inſtruct Us?

V. As to the *Antient Metropolitical Rights of the Archbiſhop of Canterbury.* It is certain, He had once a Power independent on the King, to Call, and to Prorogue, and to Diſſolve the Synods of his Province. But it has been queſtion'd from whence He deriv'd this Power. Had he it as a Metropolitan from the Conſtitution of the Primitive Church? Or as a Legate Born, did He borrow it with his Title from the Popes of *Rome?* Dr. *Atterbury* has ſatisfy'd Me, that it was not as Papal Legat, but as pure Metropolitan. *The Archbiſhop needed no help from his Legatin character to convene the Clergy of his Province, which he was ſufficiently impower'd to do, as Metropolitan by the old Canons of the Church receiv'd and allow'd in this Kingdom. And accordingly by this Metropolitical Power, the Archbiſhops all along call'd Provincial Councils before any of 'em were the Popes Legates.* (Rights, Powers, *&c.* p. 485.) But then the *Narrative* raiſes a Doubt, whence this Authority was deriv'd, and how long it has obtain'd? *If it belong'd to Him in his Legatin capacity, We know the Date of it. If his Metropolitical be PRETENDED for it, Every one knows under what Reſtraints it firſt was: By what Steps it roſe higher; and by whoſe Conceſſions it ſo Commands.* That *his Preſidency over his Comprovincials was founded in the Precedency of his City, &c.* (*Narrat.* p. 30.) Not implying, that the ſame Regard ought to be ſtill had to the Precedency of Cities in this Kingdom; that if the City of *Rocheſter* ſuppoſe ſhould in Time *precede* or exceed that of *Canterbury*, that then the Biſhop of that See ought to be the Preſident of this Province. Upon this Head, there is another great difference: the Aſſerter of *the Power of the L. H.* is plain, that *the Authority of Proroguing is purely founded in, and derived from the Authority of Convening.* (p. 3. c. 1.) So as the Archbiſhop, when he had a Power of Aſſembling the Clergy, the *Natural and Neceſſary Reſult* was, that He had a Power of Proroguing them. But the Publiſher of the *Narrative* thinks otherwiſe; He imagines that the Archbiſhop when He Alone aſſembled the Synod, He did not Alone Prorogue it, but *He and his Brethren Adjourn'd the whole Synod.—Thoſe Ancient Synods were not Adjourn'd by the Metropolitan's Authority Alone as Preſident, but by their own Conſent:* (*Pref.* p. viii.) It makes a Cauſe Perplext and Dubious, when our Friends do ſo open it, as to fall into perfect Oppoſition, and leave Us under the hardſhip of diſſenting from one Side or other.

VI. As to the *preſent Stile and Title of the Archbiſhop in Convocation*, the Preſidency of the Archbiſhop over the Convocation of his Province, and his Graces title of Preſident are both expreſly acknowledg'd by Dr. *Atterbury* in his Dedication, to the *Archbiſhops of the Provinces, and Preſidents of the*

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Convocations of Canterbury and York. And it is upon this Supposition that He observes, *My Lord's Grace of Canterbury is never so considerable, as when He is at the Head of the Clergy of his Province.* (Rights, Powers, &c. Pref. p. xix.) the *Narrative*, and even the *Publisher* of it (who need not have bestow'd any titles of honour on the Archbishop, that were not due or not proper to Him) give him frequently the like Appellation of *President*, and acknowledge his Office of *Presiding*. But then on the contrary, the Author of the *Power of L. H.* does assure Himself and Us that *the title of President as apply'd to the Archbishop is wholly New, and unknown to all Elder Convocations.——Unaccurately so call'd——The Archbishop can never properly be stil'd President of the Convocation, but when the two Houses are together, and then it implies rather a Diminution than an Encrease of his Authority; For then indeed He is the Chair-man or Moderator of the whole Assembly* (p. 18. c. 1.) He freely tells us, that Our Representative the *Prolocutor* is the Greater Man, and has the juster title to the Name of President, Head and Governour. *There is nothing singular in this notion of representing the Prolocutor as Head, President or Governour of the Lower House.* (p. 9. c. 2.) Remember my Duty to the Prolocutor. But if I should have occasion to apply to the Archbishop in Convocation; I pray, Sir, consider what directions to give Me; Shall I Address to Him under the title of *President*, as Dr. *Atterbury* did, even when no Convocation was Sitting? Or shall I omit this Stile, as wholly *New*, *Unaccurate*, and *Improper*, as the later Author does observe?

VII. As to *that Power of the Archbishop in calling up the Members of the Lower House, to appear in the same Place with his Grace and the Bishops at the beginning of every Session.* The *Narrative* represents it as a mighty Grievance, that his Grace should *require the whole Clergy, or the Prolocutor only with two or three Members, to come to Jerusalem Chamber, before they form'd themselves into a House in* Hen. VII. *Chapel.* They comply'd unwillingly for some time with a *Salvo Jure*, and afterward they justly refus'd to go. (Narrat. p. 11. &c.) But then the *Vindicator* of the lower House, who rarely betrays the Privileges of it, He says, *the Archbishop may call them at any time, when he has occasion to declare any thing in the presence of the Clergy themselves. The Archbishop having an undoubted Right to send up for them at Pleasure, and making use of that Right frequently upon other occasions.* (p. 8. c. 2.) Were You and I in the House, Sir, how should we behave Our selves? Should we interpose a Protestation of Right, and at last exert that Right in refusing the Archbishop's Call to that Place, as the Narrative by Doctrine and Example commends to Us? Or should We yield the Archbishop's *Right undoubted*, and leave the Exercise of it to *his Pleasure*, as the other Writer does advise Us?

VIII. As *to Members attending the Lower House, how they shall obtain Leave to absent from it.* Must they apply to the Archbishop as President for his Leave to excuse their Absence? Or must they ask Leave of their own House to go into the Country? The first indeed was practis'd, when We *Slept over our Priviledges*; but now the Dream is out, it is fit we should insist upon the common Rights of a *House*. To which purpose the Asserter of the *Power of the L. H.* must directly mean *This* among the *Rights and Privileges absolutely and indispensably necessary to the Being of an House (in the Parliamentary Sense of the word)* which We *must have*, by virtue of our *Origin and Alliance* with the House of Commons (p. 2. c. 2.) And accordingly in the late Sitting, the Members were taught the Privilege of asking the Houses Leave, and delivering their Proxy to the Prolocutor, without any Application to the Archbishop; As was actually done by the Vice Chancellor of *Oxford*, and some other Members. But yet to condemn their Practice, a Committee of the Lower House declare, *We deny not that his Grace has a Power of demanding the Attendance of Our Members: But We have likewise. If therefore, either the Archbishop or the Lower House give a Leave of Absence, it is of course to be interpreted, so far only as the Claim of them that give it is concerned. So that the Member is not perfectly at Liberty without Leave from Both.* (Narrat. p. 49.) If I ever come into that House, and desire to come home again, what course shall I take? Shall I go only to the Archbishop, and think his Leave sufficient, as all are said to have done in former Convocations, and some did in this Last? Or shall I go no farther than our own House, and take their sole License of absenting? as Dr. *A.* has taught, and the Vice Chancelor of *Oxford* did learn of Him? Or must I rather be at a double trouble, and not think my self at Liberty to go without Leave from Both; As the *Narrative* and Committee in it?

IX. As *to Place or Places in which the Convocation is to Meet and Sit.* Is this an Assignation at the Archbishop's pleasure, if the King's Writ does not restrain him? Or has He nothing to do with changing of the Place without the King's express Order, or the Lower Clergy's express Consent? The Committee are of the first opinion: *We dispute not the Archbishop's Power of calling the Convocation to S.* Pauls, *or* Westminster, *or* Lambeth, *if the King's Mandate leave it to his Graces discretion.* i. e. if the King's Writ impower the Archbishop to call the Bishops and Clergy of his Province before Him, *in Ecclesia Cathedrali* S. Pauli London. *vel A L I B I prout melius expedire videritis.* And this they sufficiently import to be at the Archbishop's pleasure, not only at first Meeting, but on other occasional Removes, from *Pauls* to *Westminster*, from thence to *Lambeth*, or the like; provided in every *General Place* the Lower House have a *particular Apartment*, a *Locum solitum* or usual Room assign'd to them. *It seems not improbable, that such an Assignation formerly was an effect of his Graces Care in providing for Us*, &c. (*Narrat.* p. 40, 41.) But the *Vindicator of the L. H.* is on the other hand of thinking, that

that the Clauſe *vel* ALIBI *does not reſt the entire Right of appointing the Place in the Archbiſhop.* At leaſt, *this Writ conveys to the Archbiſhop* no Power in point *of Place, but what regards their firſt Appearance only.—And therefore when they are once Met, the change of Place muſt either be by the Joint Conſent of the Body, or after they are form'd into two diſtinct Houſes, by the conſent of each Houſe apart.* (p. 10. c. 1.) To which ſide, Sir, of this Queſtion do you incline? Will you allow the Archbiſhop Liberty of appointing the Place from time to time, (if the King leaves Him to that Liberty by the Clauſe of *vel Alibi prout melius expedire videritis*) as the Committee does acknowledge? Or will you ſay with the other Writer, that after firſt Appearance, the *Archbiſhop* has no power at all in point of other Place, but by conſent of the whole Body together, or by the concurrence of the two Houſes apart?

X. As *to the Clauſe IN HUNC LOCUM in the Archbiſhop's Schedule of Prorogation.* The Queſtion is, whether the words *in hunc locum* may be taken at large for a General Place, as *Weſtminſter*; or the particular Room in which the ſaid Schedule is Sign'd and Read by the *Archbiſhop*, as *Jeruſalem-Chamber?* This latter part of the Queſtion is defended by the Pleader for *the Power of the Lower Houſe.* He ſays expreſly, *By the Schedule of Prorogation— his Grace continues to ſuch a time and IN HUNC LOCUM, that is, to the VERY ROOM where ſuch Continuation is made. So the Lower Houſe is continued* in hunc locum, i. e. *to the very Room where the Clergy then Sit, and are to meet next. As the Archbiſhop by the words in hunc locum Prorogues not to* Hen. vii. *Chapel, but to the* Jeruſalem-Chamber. (p. 8. c. 2.) This is Plain and Poſitive as words can make it. Yet the *Narrative* reports the Houſe to be of a quite different Opinion, *Nor did We apprehend that the words IN HUNC LOCUM in the Body of the Schedule laſt mention'd, might not mean the General Place, the Church of* WESTMINSTER, *in which We both Sate; but were deſign'd by their Lordſhips to mean their diſtinct Room the* JERUSALEM-CHAMBER. (Narr. p. 10.) And to ſalve an Objection that naturally riſes when the Schedule is pronounc'd in the Lower Houſe, They ſay, *If it ſhould be ſaid that the words IN HOC LOCO pronounc'd out of the Archbiſhop's Schedule muſt needs ſignify that Particular Place in which the Archbiſhop ſign'd the Schedule, We reply, —The Lower Houſe ALLWAYS underſtood that LOCUS to be ſome common Place, as St.* PAULS, *or* WESTMINSTER, *in which the Convocation was to Meet.* (*Narrat.* p. 26.) Pray inform Me, Sir, which of theſe two Interpretations ſo repugnant ſhall I follow? By *hunc locum* ſhall I underſtand the Particular Room in which the Act is done and declar'd, as *Jeruſalem-Chamber?* Or ſhall I apprehend it to be only the General and Common Place of Meeting, ſuppoſe *Pauls* or *Weſtminſter?* I have refer'd it to the Maſter of *B.* School, but He has not yet reſolv'd Me.

XI. As to the *Explanatory Phraſe*, vulgò vocat. *Jeruſalem-Chamber.* You know when the Lower Clergy could not underſtand *in hunc locum* to mean their Lordſhip's Particular Room, it was then ſpecify'd to remove all doubt and ſcruple, *in hunc locum vulgò vocat. Jeruſalem-Chamber.* This explanation was ſome times inſerted in the Schedules, and was afterward left out. The Queſtion hence ariſes, whether when theſe additional words *vulgò vocat. Jeruſalem-Chamber* were at laſt omitted, his Grace and the Biſhops then drop'd the Claim, and quitted the Expectance of the Prolocutor, and ſome Members appearing in the Upper Houſe at the Beginning of each Seſſion? Or whether their Lordſhips letting fall the words as no longer needful, ſtill kept up the ſame Claim, and ſtill might have the ſame Expectance? The firſt of theſe is the Declaration of the *Narrative* under *Seſſ. viii. Martii* 18. In the Schedule ſent this day, the words *vulgò vocat. Jeruſalem-Chamber* being again omitted, and never after uſed: The Lower Houſe Adjourn'd without a *Salvo Jure*, and never after attended, nor as they conceive were expected in *Jeruſalem-Chamber.* (Narrat. p. 28.) But the Author of *P. L. H.* ſeems better to know their Lordſhips Mind, that They might *Expect* them, and had the ſame Right to their *Attendance. Tho' in his Graces Schedules the explanatory words* vulgò vocat. Jeruſalem-Chamber *were afterwards omitted, yet the Obligation of the Lower Clergy to attend there every day, by virtue of* the words *in HUNC LOCUM, was never formally diſclaimed by the Biſhops; nor can it conſiſtently with the preſent Scheme they are upon, be ever diſclaim'd by them,* (p. 1. c. 2. p. 2. c. 1.) To which opinion ſhall I truſt? That his Grace by leaving out the Explanation in his Schedule has given up the Right or Claim of the Lower Clergy's Attendance at the opening of a Seſſion; Or that Omitting the words does however not diſcharge the Clergy's Obligation, which has not been, and never can be diſclaim'd?

XII. As to *the Time of the Lower Houſe Adjourning, and their Days of Meeting.* You know well, We take for granted the Lower Houſe can Adjourn Separately and Independently from the Archbiſhop and Biſhops; and can hold Seſſions of their own upon Intermediate Days without any Reſtraint by the Schedule of Prorogation. But then a Queſtion may depend, whether the Lower Houſe may not be ſtill oblig'd to meet upon the ſame Day that is fix'd by his Graces Schedule, and only in that interim hold their Separate Meetings? Or whether their inherent Right to Adjourn themſelves, does not give them Liberty full and Indefinite, as well *beyond* as *within* the Day of the Archbiſhop's Prorogation? The Vindicator of the *Power of the Lower Houſe* is for this abſolute and unreſtrained Right, as Inherent and Inſeparable from the Notion of a Houſe, *Sitting and Riſing at Diſcretion.* (p. 1. c. 1.) He urges the Precedent of 1640. and would have the *Reader obſerve, that the Lower Clergy on one*

of

of those days adjourn'd short of the Bishops, and on the other beyond them, (p. 12. c. 2.) *And if there was any Dispute of this, it was certainly carried on the Clergy's side,* (p. 13. c. 1.) *They declin'd to meet the Bishops on* May 9th, *and adjourn'd over them to* May 13th,— *this is no illegal step, — if they had not had Precedents of this kind upon their Books, they would not then have first ventur'd to make them,* (p. 14. c. 1.) And yet the publisher of the *Narrative*, recedes from this inherent Right, and puts a Limitation upon the Lower House, that they must not go beyond the Bishop's Day. *The Writer of the Letter charges the Lower House with claiming a Power, not only of continuing themselves to any day in the* Interval of the Archbishop's Prorogation; but may if they please Adjourn themselves beyond the day to which the Archbishop had Prorogued, and not meet his Grace and their Lordships upon the said Day. *The first of these is indeed a Power, which we think we have a just Right to,* viz. *a Power of Adjourning to an Intermediate Time; but the latter,* viz. *a Power of Adjourning beyond their Lordships, and not meeting at that day, is what we never pretended to, but utterly disclaim; as is very well known to All that were present at our Debate. For whenever such a Power was mention'd (as it often happen'd to be by Persons who mistook the extent of our Claim) the House ALWAYS gave it up, nor do I remember so much as one single Man who ever contended for it,* (Præf. p. 12.) And yet the *Narrative* it self is more dubious and reserv'd, *we do not deny, but that when the Time and Place to which his Grace and his Brethren have Adjourn'd shall be duly signify'd to Us, WE MAY BE OBLIG'D to be then sitting in a Room of our own in that Place, in readiness for a Communication with their Lordships,* (Narrat. p. 8.) *As to Time, the Question is not, whether the Lower House are bound to hold a Session in their own House at the Time to which the Lords shall Adjourn. For We dispute not, but We may be so oblig'd,* (Narrat. p. 16.) And even the Author of the *Power of the Lower House* begins to be sometimes diffident of this matter. He would have it *a new Question, not yet decided:* and would distinguish upon it, *whether the House, by the Antient Custom of Convocation be not oblig'd to meet the Bishops at the Day which they shall appoint? I will not say but they are, if any Synodical Business be then in Agitation,* (p. 20. c. 1.) But I must confess, Sir, I do not love trimming and dancing. The plain Question is, Have the Lower House a Power or not a Power to adjourn beyond the Day prefixt in the Archbishop's Schedule? Be clear with Me in your own Opinion, Do you think it safer to rest in the full and Unconditionate Claim of Adjourning at pure Discretion of the House? Or would You have them recede from such unlimited Power, and be content to exercise it with a deference to the Archbishop's Day, *within* only, never *beyond* that appointed Day?

XIII. As to *a Negative in the Lower Clergy upon the Archbishop and Bishops.* There is no Dispute but in all final Decrees and true Synodical Acts that must pass the Metropolitan and both Houses; *There* each one have a Negative upon the other; because a common and joint consent must be included. But the Question is, whether in the Antecedent and Preparatory Methods of Discipline and Order, in Meeting, Dividing, Debating, Disconcurring, Returning, and such other necessary Ways and Means of coming at the end of Resolutions and Decrees; whether in these Externals and Preliminaries the Archbishop can direct and order by Counsel and Consent of Suffragans, as seems Best to him and Them? Or whether the Lower Clergy have not a Negative in all such Intermediate Rules as well as in all Ultimate Acts, and can at pleasure dissent from any such Proposal? Our Friend that vindicates *the Power of the Lower House* expressly gives 'em a compleat Negative even in Circumstantials; He says *the Right of disagreeing to the Proposals of the other House,* is necessarily involv'd in the *Notion of a House. The want of such a Power would destroy the Nature of a House, and defeat the Ends of it.* (p. 2. c. 2.) They must in every Proposal have a *final Dissent, or else 'tis Allowing the Clergy a Negative as to the End, but not as to the Means which are necessary to come at that End.* (ib.) And yet the Publisher of the *Narrative* (whether with less Courage or with more Discretion judge You) has deny'd the Clergy this Negative at large, of so much credit and advantage to them. He thinks, when his Grace has Prorogued to a Day, the Clergy have no Negative as to Appearing on that Day. And he founds the Reason of it on the Mischiefs of having a Negative Power in preparatory and subservient methods: because *such a Power might be so abus'd as to defeat all the Ends of Meeting: If we might refuse to meet on that Day to which his Grace has Prorogued, it would be in our Power to accomplish a Design, that nothing at all should be done.* (Pref. p. 13.) I am for the Truth of things, without being nicely concern'd for the consequence of them. And therefore, if You give me your Judgment, that the Lower House have a Negative in All things, as well small as great, as well Conducing to the End, as Determining of it. Then I shall renounce the too Wary, *Publisher*, as betraying the Rights that He ought to have roundly defended.

XIV. As to *Appointing Committees in Convocation.* You and I are agreed that the Lower House has Power to appoint its own Committees to sit *de Die in Diem*, in the Interval of ordinary Sessions. But pray is this an Argument or no Argument for Intermediate Adjournments? May not the House it self Sit upon any Day when the Committee Sits? Or may a Committee as Part of a Body have liberty to Sit and Act when the whole Body is suspended from Acting or Sitting? Why, the *Power of the Lower House* makes it evident, that if Committees of the

House

Houſe have ſate in the Interval of Seſſion, then the Houſe might have ſate in the ſame Interval if it had pleas'd. For the *Lower Houſe was certainly at Liberty to have ſate at theſe Times when they order'd ſuch Committees to Sit. For this I take to be a ſure and ſelf-evident Rule, that no Committee of any Body can ſit by Authority of that Body, but when the Body it ſelf might have ſate if it had pleas'd.* (p. 5. c. 1.) But then if Committees, ſuppoſe of the Upper Houſe, have actually ſate within the Day of Prorogation, during which time without revoking the Act of the Schedule, the Houſe it ſelf could not have Sate; Nay, and if a Committee of Both Houſes have been Able to ſit, even after the whole Convocation has been Diſſolv'd, and ſo impoſſible for either Houſe to have ſate at that Time: Then this Fact contradicts the other Notion, And this Fact now is aſſerted by Dr. *A.* and the Conſequence of it own'd, that Committees may Sit on, when the Houſes themſelves could not have ſate. *They had a famous old Precedent* (in 1480,) of ſuch a Committee of Both Houſes of Convocation acting by its Appointment and Authority in the Interval of its Seſſion, *i. e.* after its Diſſolution, (*Rights, Powers*, &c. *Addend.* p. 613.) This He takes to be *the Pattern which the Convocations about the time of the Reformation follow'd*, (ib. p. 614.) *when Committees were conſented to by the Convocation as well as named by the King, upon Buſineſs not reſtrain'd to the preſent Seſſion of Parliament or Convocation*, (ib. p. 190.) Tell Me which Scheme is moſt Plauſible, this of the Author of *P. L. H.* that a Committe cannot Sit, but when the Houſe may Sit, becauſe *the Committee ſubſiſts by a Power derived from the Houſe?* Or, that of Dr. *A.* that Committees of Convocation may Sit when the Houſes cannot poſſibly Sit, even after Diſſolution.

XV. As to the *Power of the Frolocutor in intimating the Schedule of Prorogation.* We do not believe our Adverſaries, when they pretend to prove by the Conſtitution of our Synods and the continued Cuſtom of 'em, that the Prolocutor is *oblig'd* to intimate the Archbiſhop's Act, when in a Schedule or formal Inſtrument it is brought down to Him; as a Duty which He owes the Preſident, and as a Juſtice due to the Members of his own Houſe included in it; becauſe by his Office of *Referendary*, He is bound to relate all Orders and Meſſages from the Archbiſhop and the Upper Houſe. But we think, He may take this Schedule and detain it in his Hand or elſewhere, He may poſt-pone the Mention of it to any other Buſineſs, and it muſt be with conſent of the Houſe, that He ſhall at laſt *intimate* their Lordſhip's Time, as not affecting their own Adjournment. The only Queſtion is, when the Prolocutor ſo *intimates*, does He do it by any exerciſe of his own Authority? Or, is He purely Miniſterial to the pleaſure of the Houſe? The *Narrative* gives an Authority *veſted* in him, or at leaſt *connoted* to him, in this Act of Intimation. But, the Author of *P. L. H.* reſolves all into Authority of the Houſe, and makes the Prolocutor only the Organ of Conveyance, to ſpeak out the ſenſe of the Houſe. *In Eccleſiaſtical Courts, the word INTIMATE is commonly a word of Authority in him that uſes it. And often in the Language of Councils, it is in this Caſe the known Term of the Superiour in whom the Power is veſted*, (Append. p. 11.) *'Tis well known, that INTIMARE in the general Acceptation, means no more than ſimply and barely TO GIVE NOTICE, but ſometimes according to the occaſion upon which it is us'd, or the Perſon that uſes it, it CONNOTES an Authority either Supreme, as in the Church of* ROME, *if the Pope uſe it; or Subordinate, as it here does in the Prolocutor, who gives the Houſe the Authentick Notice of an Adjournment not made by his own Determination*, (Narrat. p. 10.) But, I ſay, the *P. L. H.* takes off all *Authority* direct or indirect from the Prolocutor, and makes him the pure Inſtrument of the Houſe. *Where the Prolocutor is ſaid* INTIMARE CONTINUATIONEM, *it can ſignifie no more than that the Prolocutor, as the Mouth of the Lower Houſe, declar'd the time to which it Adjourn'd*, (p. 8. c. 1.) The *Archbiſhop really preſides over but one Houſe, and the Prolocutor over the other, tho' the truth is, that neither the Archbiſhop as preſiding over the One, nor the Prolocutor as preſiding over the Other, prorogues either of them; but each Houſe prorogues it ſelf, and the proper Perſon in each, INTIMATES or Notifies the Prorogation*, (p. 18. c. 1.) Where, tho' He ſeems indeed to detract from the *Authority* of the Prolocutor, in reference to the Houſe wherein He ſerves; yet He makes it up in giving him equal Title and equal Power with the Archbiſhop: Both of 'em the Mouths and Organs of their reſpective Houſes, to intimate or notifie the Act of each Houſe. And if this do not ſatisfie the Prolocutor, He makes him ſtill greater Amends: For, He calls him expreſly *the Head of his Houſe*, (p. 9. c. 2.) while he calls the Archbiſhop to keep him Humble, a *Chief Member* only, (p. 15. c. 2.) But, I propoſe the Queſtion only, Whether an Intimation of Adjourning given to the Houſe by the Prolocutor, does denote a Power veſted in Him? or does connote his ſubordinate Authority? or does imply nothing at all but his ſubſerviency to the Will of the Houſe?

SIR, Theſe Differences, and indeed direct Contrarieties, are in Matters of Opinion and Judgment: There be ſome Others in Matter of Fact and Practice, wherein I deſire to be ſatisfied, that I may know how to Determine my ſelf, and to ſettle my Friends.

XVI. As to the *Iſſuing out of Summons for the Convocations of each Province, concurrently with new Parliaments ſince the Revolution.* It is known, that from 1689 to 1700, no Convocation has formally Sate,

Sate, becauſe they pretend there was no Buſineſs for 'em. The Queſtion is, Whether the Writs however, have not been regularly Iſſu'd? Or, Whether the very Writs have been dropp'd and ſuppreſs'd, with deſign to break the cuſtom of Convocation-Writs? The *Narrative* indeed tells us, there has been no default in the Forms of Summoning. *During the long Interval of Sitting-Convocations, the Summons have indeed been* REGULARLY ISSUED, *but at the ſame time the effect of 'em has been prevented*, (Narrat. p. 2.) But on the contrary, Dr. *Atterbury* had before told us, That *upon* calling of a New Parliament, the Writ for the Province of *York* has been drop'd; and that it may ſo happen, that when another Parliament is call'd, the Writ for the Province of *Canterbury* ſhall be forgotten too, (*Rights, Powers, &c.* Pref. p. 11, *&c.*) And tho' Dr. *Kennett* would have ſeem'd to vindicate the Government from this Reflexion, which He would repute to be a Slander on it. Yet a later Author (who ſaying the ſame thing, is thought to be the ſame Man,) in vindicating *the Power of the Lower Houſe*, does repeat this Charge of ſtifling the Writs, and ſays with Aſſurance, *A Practice ſuitable to this Doctrine was coming on apace; the Convocation Writs were dropp'd in* IRELAND; *and the Writ for one Province here in* ENGLAND *was ſtifled, and no words made of it; nor was it known how ſoon the Writ for the Other might follow*, (p. 23. c. 1.) I muſt conſider therefore, whether this latter Story is not moſt credible; tho' the Anſwerer in his *Right of the Archbiſhop, &c.* does again utterly deny it, and ſays, *the reſuming that groundleſs Charge could be nothing under extreme Malice or Infatuation*, (p. 132.)

XVII. As to the *Cauſes, why Convocations have not alway Sate and Acted concurrently with Parliaments.* The Queſtion is, Whether ſuch Intermiſſions, or not Sitting Convocations, were ſo deſign'd and contriv'd by ſome of our Governours, to depreſs the Lower Clergy, and in effect to deprive them of their Fundamental Rights? Or, whether it was generally done at the Deſire, or with the Approbation of the Lower Clergy themſelves; to excuſe them from unneceſſary Attendance; and to defend them from ſome Trials which (if they had Sate on) might have been put upon them. By reading Dr. *Atterbury*'s Book in both Editions, I never queſtion'd, but that the not ſuffering the Clergy to Sit and Act in Convocation, was a violent Interruption of their Rights, and a New Grievance of the Church of *England* peculiar to the preſent Reign. And even the Author of *P. L. H.* makes the ſame *Obſervation of the Steps taken of late Years towards ſuppreſſing the Rights and very Beings of Convocations.* — *And the worſt Circumſtance of All was, that they who ſhould have skreen'd the Lower Orders from ſuch Encroachments as Theſe, were ſo far miſunderſtood, as to be thought Conſenting to them, and in the Meaſures of them*, (p. 23. c. 1.) But now the *Narrative* in this reſpect, caſts no manner of Reflexion upon any Governours in Church or State, but rather believes, that the frequent Intermiſſions of Convocation were *generally Allow'd by the Clergy in the late Reigns*, in 1680, 1681, and 1685. *Thoſe Convocations, for Reaſons not diſallow'd by the generality of the Clergy, were none of 'em form'd into a Body.* And, even in the preſent Reign, *in the Year* 1689, *conſidering the Circumſtances of that Convocation; in which the Clergy, for known Reaſons, were ſo far from aſſerting their Right of continuing themſelves, that NOT TO SIT at that time was rather their deſire*, (Narrat. p. 40.) Where ſhall the Fault lye? Upon the King ſuppoſe and Archbiſhop, who might have put the Convocations into a capacity of doing Buſineſs? Or on the Inferiour Clergy themſelves, as declining to Meet and Sit, on a deſire of doing Nothing, for fear of doing Miſchief?

XVIII. As to the *Riſe of the Diſpute about Adjournments in the laſt Convocation.* That ſuch a Diſpute did Ariſe, is very Notorious. The Queſtion is, How and When it did Ariſe? The Aſſertor of the *Power of the L. H.* is confident, that *this Diſpute between the two Houſes concerning the Power of Adjournment, took its Riſe from the words* IN HUNC LOCUM *in the Archbiſhop's Schedule of Adjournment*, (p. 1. c. 2.) This, I find, was in the Third Seſſion, *Feb.* 25. But the Narrative of Proceedings, which One would think more punctual, ſays expreſly, *They were the two Queſtions which gave the firſt Riſe to our Diſpute*, (Narrat. p. 11.) This I perceive, was in the Fourth Seſſion, *Feb.* 28. Which of theſe two Days, and which of theſe two Occaſions ſhall I take to be the right? Or, ſhall I rather take up with a third Account given, differing from Both the Other; and delivered by the Committee which drew up an Anſwer to the Archbiſhop and Biſhops, preſented *May* 8. wherein they ſay, That *the Queſtion concerning Adjournments muſt be needs imputed to the coming down of a* BISHOP *commiſſion'd by his Grace*; which you know was the very firſt Meeting in *Henry* the Seventh's Chapel, on *Feb.* 21. I am the more ſolicitous to know, which *one* of the *three* Accounts is true, becauſe in the compoſing of a Controverſy, much may depend on the very Riſe and punctual Occaſion of it.

XIX. As to *the Lower Clergy making a diſtinct Houſe from the Biſhops.* No one queſtions, but 'tis the Conſtitution of our Provincial Synods. But, did not ſome bold ignorant People ſeem to deny it at the beginning of the laſt Convocation? So ſays the Vindicator of *P. L. H. To deny the Lower Clergy, even after the Choice and Approbation of their Prolocutor to be an Houſe. This was much thought of and talkt of at the beginning of the Debate, while ſome of the*

Diſputants were as yet Raw in the Knowledge of ſuch Matters. But the *Narrative* not only conceals this *Rawneſs* of the other Party, which ſhould have been expos'd; but it unluckily contradicts the charge upon 'em, and ſays, *The Inferiour Clergy ſitting and acting Apart from the Biſhops, and as a Diſtinct Houſe from them, has never been ſo much as QUESTION'D, that we know of, ſince they firſt did ſo to THIS DAY,* (Narrat. p. 6.) I am yet afraid to aſſert either of theſe Reports, becauſe of their direct Repugnancy to One Another. But, let me know which is true; for I would willingly eſpouſe the Truth.

XX. As to *the Convocation in* 1540, *that annull'd the Marriage of* ANNE *of* CLEVE. Was it a National Synod of extraordinary nature, who acted by immediate Commiſſion from the King in one Houſe? Or, was it like an ordinary Convocation of two Houſes, whoſe Proceeding may be a Precedent for the Clergy of *Canterbury* Province? Dr. *Atterbury* repreſents it of the firſt Kind, of ſingular Right and peculiar Practice. *What has not been hitherto obſerv'd, the Cauſe of* ANNE *of* CLEVE *was adjudg'd not in a Convocation properly ſo call'd, that is, in a Provincial Synod, but in a National Aſſembly of the whole Clergy of either Province,* (Rights, Powers, &c. p. 400.) Yet the Vindicator of *P. L. H.* does cite *the exact Proceſs of that Tranſaction ſtill remaining,* and does apply it to the preſent Diſpute, and makes it a clear Argument, That *the intermediate Adjournments of Convocation, muſt be at the Will of the Body expreſſed either Apart, in the ſeveral Houſes of it, by a Majority of Voices in Each, or when the two Houſes ſhall be together by a joint conſent of the Whole, as the Matter paſs'd in this great Affair of* ANNE *of* CLEVE, (p. 4. c. 2.) I muſt conſider of this; tho' the other Side pretend it plain, that the firſt was a right Doctrine, and therefore this latter a moſt falſe Application.

XXI. As to *the Abſtract or Abridgment of the Acts of the Upper Houſe of Convocation in* 1586. The Queſtion is, Whether it be Punctual and Authentick? Or, Whether Suſpicious and Imperfect? Dr. *Atterbury* did ſay, *That It was a GOOD Abridgment of the Journals of the Upper Houſe,* (Rights, Powers, &c. Addend. p. 647.) And again, That *it is Full and Particular, giving an Account of the Acts of this Convocation, and of the Inſtruments contained there, day by day, and leaf by leaf,* (ib. p. 662.) But this *Abridgment* ſo happening, as to give advantage to our Adverſaries in proving the Seſſions of each Houſe to have been alway Coincident: Therefore the Vindicator of *P. L. H.* does, I preſume, juſtly reject this Abridgment, as of little Value and very ſlender Authority. *We have indeed a ſhort Abſtract or Index of the Biſhop's Journal* in 1586, and 1588. ——— *But the Seſſions in the Abſtract are not ſo clearly taken.* ——— This Abſtract therefore *is no clear Authority, &c.* (p. 13. c. 1.) Till I ſee the *Abſtract* it ſelf, how can I judge which of theſe two oppoſite Characters do beſt become it? I would only deſire You upon this and the like Occaſions, not to believe Common Fame, That Dr. *Atterbury* was the Author of theſe three Sheets of *P. L. H.* becauſe in this and many other inſtances of Opinion and Fact, this Author differs from Dr. *A.* moſt entirely. Don't you credit the Report, that Dr *A.* himſelf has often own'd it, and never once diſclaim'd it. And never be perſuaded, that a Second Edition of the *Power of the Lower Houſe to Adjourn it ſelf*, ſhall come out with the Name of *Francis Atterbury*, D. D. in the Front of it.

XXII. As to *the Convocation in* 1640, *that Sate on, and was commiſſion'd to Act after the Parliament was diſſolv'd.* Was this reputed an Illegal Thing? Was the Parliament of this Opinion which met next after? Is it probable, that the Parliament of 1660 were of the ſame Mind? Or, Was it only the Convocation *looſen'd* from the Parliament, and ſo *brought nearer to a pure Provincial Synod?* Dr. *Atterbury* was clearly for its being an Arbitrary Stretch of Prerogative. He ſays, The Parliament that next met, *voted the Canons Illegal chiefly on this Head.* ——— I will not ſay, the Parliament of 1660 were certainly of the ſame mind, though it is probable they were; and that this was one, if not the chief Reaſon, why they excepted thoſe Canons from a Parliamentary Confirmation, &c. (*Rights, Powers*, &c. p. 66, 67.) And yet the Author of the *P. L. H.* makes no ſuch Cenſure of Illegality; but calls it only an *extraordinary Continuance of the Aſſembly*, — *when the whole Body of the Convocation looſen'd it ſelf from the Parliament*, ——— *which brought them nearer to the Methods of pure Provincial Synods*, &c. (p. 14. c. 1.)

XXIII. As to that *Convocation meeting after the Parliament was diſſolv'd.* The *P. L. H.* is ſatisfy'd that the Convocation did meet on *May* 6. the day after the diſſolution of the Parliament *May* 5. *The firſt particular in* Heylin's *account, that the Biſhops and Clergy met on Wedneſday* May 6. *is I ſuppoſe true, being expreſly confirm'd by FULLER, and agreeable to the Practice of Convocation.* (p. 14. c. 2.) But then the *Appendix* to the Narrative does ſuppoſe this to be falſe: does ſuppoſe no Seſſion at all on *May* 6. but [illegible] Afternoon Meeting on *May* 5. after the Parliament [illegible] had been that Morning diſſolv'd, *at which time the Upper Houſe adjourn'd to* May 9th. *and the Lower Houſe to* May 8th. (Append. p. xxi.)

XXIV. As *to the Adjournment of the Lower Houſe on* May 8. 1640. The Author of *P. L. H.* makes no doubt, but they declin'd the Biſhops Day, *May* 9th. and leapt over it to *May* 13. And if the Right of ſo refuſing the Biſhops day *was ever queſtion'd, it was plainly carried on the Clergy's ſide.* (p. 12. c. 2.) But the

the Publiſher of the *Narrative*, He denys the pretence of any ſuch thing: He ſays, *We diſown any pretence of ſuch a Power* (i. e. of adjourning beyond the Biſhop's day) *and as for that one Precedent* (i. e. this of adjourning *May*. 8. over *May* 9th. to *May* 13.) by which 'tis ſaid *we pretend to warrant it, I could eaſily ſhew the Inſufficiency of it, if it were needful.* (Pref. p. 13.)

XXV. As *to what was done upon this* May. 13. 1640. There were ſome Acts read concerning the Priviledges of the Houſe. But what did theſe Privileges relate to? to the Lower Houſe adjourning ſeparately from the Biſhops? Or to the whole Convocation Sitting ſeparately from the Parliament? The Author of *P. L. H.* ſays, It was about the Privilege of ſeparate Adjournments, for which the *Clergy ſeem to have been this day queſtion'd, and to have carry'd the diſpute on their ſide.* (p. 12. c. 2.) But the *Appendix* to the Narrative is confident that theſe Acts about Priviledges were clearly upon another matter, about the Convocation Sitting after the Parliament, *in which the Members of the Lower Houſe were not All of 'em fully ſatisfy'd, and for this Reaſon ſuch Acts of the Lower Houſe as related to their Privileges were this day read.* (Append. p. xxii.)

XXVI. As to *the Power of the Prolocutor in formerly adminiſtring Oaths.* He is ſometimes found to have adminiſtred Oaths in the Lower Houſe: but the Queſtion is, whether He did this in Right of his Office? Or whether He did it by Commiſſion from the Archbiſhop? The Vindicator of *P. L. H.* goes this latter way, and ſays, *In* 1586. *the Prolocutor was put into the Archbiſhop's Commiſſion for Proroguing the Upper Houſe; in order I ſuppoſe to impower him to give Oaths, as He did at the trial of an Election that day below.* (p. 7. c. 2.) But the *Narrative* aſſerts it to be an inherent Power in the Prolocutor without any Delegation from the Archbiſhop. The Prolocutor is ſaid to *Adminiſter an Oath not by the Archbiſhop's Mandate, —but we are well aſſur'd, He has power to do it by virtue of his Office.* (Narrat. p. 34.) Pray reſolve Me, if any controverted Election ſhall be tried in the Lower Houſe this next Convocation, ſhall the Prolocutor examine the Witneſſes upon Oath? And if He do, muſt he take a Commiſſion for it from the Archbiſhop? Or may he do it by virtue of his Office, and the inherent Rights of his Chair?

XXVII. As to the *Adjournments of each Houſe Apart to the ſame Time.* 'Tis well known, the Convocation and Seſſions of Upper and Lower Houſe of Convocation have been concurrent or coincident with one Another. But the Queſtion is, were ſuch concurrent Seſſions Stated and Neceſſary? Or were they Arbitrary and Accidental? The Aſſerter of *P. L. H.* would firſt queſtion the very Suppoſition. *It can never be made out that the Prorogations in both Houſes were alway concurrent*—but then He *ſuppoſes the Prorogations of each Houſe have been ALMOST ALWAYS to the ſame time*—*yet this by Chance or Confederacy*—*Might not two Bodies*—*agree to make their Adjournments coincident for mutual conveniency?* &c. (p. 19. c. 2.) And yet the Publiſher of the *Narrative* ſays, This was not for Conveniency but for *Neceſſity. Who ſays they fell by chance upon the ſame day? The Adjournment of the Upper Houſe is alway notified to the Lower, or elſe how ſhould We indeed meet their Lordſhips at their own day, which we own Our ſelves OBLIG'D to do.* (Pref. p. xix.)

XXVIII. As to the *different Sentiments of Some Members in Each Houſe.* 'Tis certain, the Members were not perfectly Unanimous in either Houſe of your laſt Convocation. There was in the Upper Houſe a large Majority of Biſhops *for* their Metropolitan, and in the Lower Houſe a large Majority *againſt* Him. Now the Queſtion may be, whether a Majority imply a Right Side? Or whether a Few Members diſſenting from All the Reſt may not for all that be Men Eminently Wiſe and Good? The Publiſher thinks any diſtinguiſhing Character given to the Minor Party is *in oppoſition to their Brethren the Majority*, and therefore ſuch a diſtinction ſhould by no means be apply'd *to the Upper Houſe* (Pref. p. v.) And yet the Vindicator of the Lower Houſe, He will have this diſtinction put upon the Upper, and dwells on the commendation of *three of the whole Bench* againſt a *large Majority of them*; and would have it, to their *great Honour be ſpoken*, that *they have all along*, (i. e. at leaſt three times of twenty,) *in this Diſpute, diſſented from the Majority of their Houſe, Prelates of great Experience in Church Affairs, and ſuch as have ſit longer in their Sees than almoſt any of their Order*, (p. 23. c. 2.) I rather deſire, it may be thought decent to commend a Leſs Number diſſenting from a much Greater; for fear the time may come, when by ſome Accident or other, the Members of the Lower Houſe oppoſing the Archbiſhop and Biſhops, may come to be much the Smaller Number. And then, SIR, as You and I would have the courage to be of that weaker Side, ſo we would have the comfort to be thought *Men eminent for Learning, Piety and Wiſdom.*

FINIS.

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